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SUBJECT: EVO'S PLANS FOR ADVANCING HIS CONSTITUTION

Classified By: A/DCM Mike Hammer, reason 1.4 b and d

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Summary  
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11. (C) With 10 days remaining until the December 14 deadline ending the Constituent Assembly mandate, President Evo Morales appears determined to deliver a constitution to his base. Government calls for dialogue with the opposition ring hollow, particularly as the ruling MAS party is telling the press that it has plans for approving its constitution. The MAS is poised to reconvene the Constituent Assembly any day now. Meanwhile, the opposition is split on whether or not to boycott future Constituent Assembly plenary sessions. Even if the opposition tries to participate, it is expected that the MAS will make it impossible for them, either by choosing a site that is hostile or by physically blocking access. If the opposition does not participate or cannot, it will be left with one procedural option to defeat Evo's new constitution -- win the final referendum (expected in 90-120 days). End Summary.

Evo/MAS Poised to Forge Ahead  
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12. (C) Word from the government since the tragic events in Sucre is clear: Evo is determined to deliver a constitution to his base before the Constituent Assembly's mandate runs out December 14. Some in the opposition fear the divisive repercussions of a MAS-only constitution and are urging that all opposition parties participate in the Constituent Assembly when it reconvenes. The MAS, however, clearly is not interested in resuming discussions with the opposition as that would only complicate their ability to approve the constitution before the deadline. Therefore, it is expected that the MAS will impede the opposition's participation in the Constituent Assembly, either by choosing a location that is so hostile to the opposition that they will choose not to go or by physically preventing them from entering, as happened when MAS protesters blocked Senators from entering

Congress on November 26. Depending on opposition maneuvering, the MAS may be required to submit two referenda to the Bolivian people: one on controversial articles and one on the whole text of the constitution. Evo and the MAS seem intent on presenting a democratic facade, hence their continued willingness to submit their constitution to a referendum, despite the shock of Chavez' defeat this past Sunday.

#### Opposition Options

13. (C) The opposition has limited ways it can affect the outcome of the Constituent Assembly. If the opposition chooses to participate fully (and if the MAS allows them to) they can negotiate to produce a constitutional text, with certain debated articles being sent to the people for an initial referendum. Alternatively, and more likely, they could produce a deadlock that prevents a constitutional text before the December 14 deadline. Some speculate that a deadlock could lead to further extension of the Constituent Assembly. However, if the opposition chooses to boycott the Assembly entirely (or the MAS blocks them from participating), the opposition will have only one other chance to stop the final constitution: they will have to rely on the final referendum. In this case, a Venezuelan 'no' outcome would be the opposition's only chance.

14. (C) Comment: While it may be in the opposition's best interest to participate in the Constituent Assembly's remaining sessions, the opposition is split and it appears the boycotters are winning the day. Unidad Nacional party complains to us that the main opposition party Podemos refuses to participate. That said, plugged-in Podemos party members have told us that party leader Jorge "Tuto" Quiroga has come around and is urging his party faithful to participate, but Podemos followers in Sucre and Santa Cruz remain obstinate. Others within the opposition apparently want to focus their efforts on defeating a final referendum and are emboldened by the recent defeat of Hugo Chavez. End Comment.

#### Evo Says He Will Not Impose Martial Law

15. (SBU) In an attempt to squelch rampant rumors, President Morales said publicly December 4 that he will not impose martial law. Defense Minister Walker San Miguel was quick to accuse authorities in Santa Cruz, Tarija, Beni, Pando, Chuquisaca and Cochabamba Departments of fomenting these rumors in order to "provoke major violence and confrontations between Bolivians." When asked about the four opposition prefects who traveled to the United States to meet OAS SYG Insulza, Morales stated that he would welcome "the EU, the OAS to investigate the violence that occurred" in Sucre November 23-24. (Note: The government has thus far rejected any notion of having the church or an international mediator try to reinitiate dialogue, which Tuto Quiroga has repeatedly called for.)

#### Comment

16. (C) We seem to be in a period of calm before the storm, as the MAS and opposition strategize in advance of the December 14 Constituent Assembly deadline. While both the government and opposition are determined to deny the other side a victory, it is the MAS that has the upper hand. The MAS can dictate when and how the Constituent Assembly proceeds, and it is determined to produce an approved constitution it can take to a referendum, preferably while preserving some appearance of a democratic process. Evo may want the Constituent Assembly to approve a constitution in advance of President Lula's and Bachelet's visit here December 11-12 in the hopes that their visit projects a sense of legitimacy.

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